

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOSHUA GUILLERMO,

Plaintiff,

-v-

LUCID USA, INC. *et al.*,

Defendants.

24 Civ. 5735 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On July 17, 2024, plaintiff filed the complaint in state court. Dkt. 1. On July 30, 2024, defendant Lucid USA, Inc. (“Lucid”) removed the case to this Court. *Id.* On September 27, 2024, Lucid filed a motion to dismiss for failure to state a claim. Dkt. 8. On September 30, 2024, this Court ordered plaintiff to amend its complaint or oppose defendant’s motion by October 18, 2024. On October 29, 2024, nearly two weeks after the filing deadline, plaintiff attempted to file an amended complaint. Dkt. 15. On October 30, 2024, the Clerk of Court issued a notice of deficiency and directed plaintiff to refile its complaint to ECF. *Id.* Plaintiff has not corrected the deficiency, and no progress has otherwise been made in this case.

The Court hereby exercises its discretion to *sua sponte* grant a one-time courtesy extension to plaintiff. It is hereby ORDERED that plaintiff shall file its amended complaint or opposition by **Friday, November 15, 2024**. If plaintiff does amend, by December 6, 2024, defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiff, stating that they rely on the previously filed motion to dismiss. If plaintiff opposes the motion to dismiss, defendant’s reply, if any, shall be served by November

29, 2024. Plaintiff's failure to timely amend its complaint or oppose the motion will result in the Court's treating defendant's motion as unopposed.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer", written in dark ink.

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Paul A. Engelmayer  
United States District Judge

Dated: November 13, 2024  
New York, New York